

VZCZCXRO6264
OO RUEHROV
DE RUEHTV #4731/01 3390743
ZNY CCCCC ZZH
O 050743Z DEC 06
FM AMEMBASSY TEL AVIV
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8003
INFO RUEHXX/ARAB ISRAELI COLLECTIVE
RUEHBS/USEU BRUSSELS BE
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 004731

SIPDIS

SIPDIS

E.O. 12958: DECL: 12/04/2016
TAGS: [PREL](#) [PGOV](#) [PBTS](#) [PTER](#) [ETRD](#) [KWBG](#) [IS](#) [EG](#)
SUBJECT: GOI UPDATES POST ON GOI-EU DIALOGUE ON RAFAH
CROSSING POINT

Classified By: Deputy Chief of Mission Gene A. Cretz, Reason 1.4 (b and d)

¶1. (C) SUMMARY: On November 28, MFA Head of Bureau for Middle East and Economic Affairs Irit Ben-Abba provided post with an update on the ongoing discussions between the GOI and Europeans on the Rafah crossing point. Ben-Abba conveyed that the GOI is pleased with the six-month extension of the EU-BAM mandate announced by LTG Pistolese, and emphasized that an important GOI goal for the discussions is to enlarge the executive powers of the European force, especially if there is a European presence beyond May 2007. The most critical issues for the GOI are preventing "persons of concern" and "large sums of cash" from crossing Rafah. Characterizing the discussions as "positive," Ben-Abba noted that the Europeans want to involve the Egyptians on the cash issue. As for the "people of concern," Ben-Abba acknowledged that there is still a "major gap" to bridge, but conveyed GOI willingness to open Rafah and better utilize Kerem Shalom once the security conditions are "satisfactory." Ben-Abba's presentation paralleled discussion of the same topics with the separate Security Working Group (SWG) and the Coordination and Evaluation Committee (CEC) chaired by LTG Pietro Pistolese. END SUMMARY.

¶2. (SBU) On November 28, MFA Head of Bureau for Middle East and Economic Affairs Irit Ben-Abba gave the DCM and EmbOffs an update of the ongoing discussion between the GOI and Europeans on the Rafah crossing point. Ben-Abba noted that the Israeli delegation -- led by MFA Deputy Director General for Economic Affairs Yossi Gal, and including MOD Advisor Oded Herman and other members of the MOD, the Shin-Bet, Customs Authority, IDF, MFA, and MOJ -- spoke with "one voice" during discussions held on November 20-21 that focused on the issue of a European presence beyond May 2007. EU Special Representative for the Middle East Peace Process Marc Otte headed the European delegation, which also included Head of Mission for the European Union Border Assistance Mission (EU-BAM) LTG Pietro Pistolese and Pedro Serrano from the European Commission's Risk Management Authority.

¶3. (C) According to Ben-Abba, the delegations addressed the six subjects treated during discussions involving the SWG and the CEC: 1) the processing of persons of concern; 2) the handling of large sums of cash; 3) the categories of people allowed to cross; 4) movement of vehicles; 5) customs; and 6) the liaison office at Kerem Shalom. The GOI delegation also provided the European delegation a thorough briefing on security threats in Gaza and operations at Rafah, identifying "persons of concern" and dealing with "large sums of cash" as the most critical issues.

"A PROBLEM OF TOO MUCH CASH"

14. (C) Ben-Abba said that the GOI is troubled that within the past seven months, according to GOI figures, up to USD 60 million has passed through Rafah and "into the hands of terrorists and the Hamas-led government." Moreover, she added, under the 1994 Customs Protocol Agreement, the customs envelope only deals with goods, not money, so it does not provide a ready solution. The GOI would prefer to see large sums of money pass through a banking system where the origin and destination of the funds can be monitored. She said that the Europeans have been very positive toward the dialogue, and want to involve the Egyptians, action by whom, she admitted, "might be the best option at the end of the day."

"PEOPLE OF CONCERN"

15. (C) Ben-Abba said that the Europeans rightly claim that the crossing point should be open every day, and that the GOI is not complying with its commitments under the AMA. The European goals are to keep Rafah open and to build capacity by training a proper Palestinian border management authority with funds generated from a USD 15 crossing fee. Ben-Abba acknowledged that in the some four months that Rafah has been open for an average of only two days a week, the throngs of up to 3,000 people crossing on those days that Rafah has been open have come to pose a threat, but she claimed that the GOI will allow Rafah to open every day once the GOI is satisfied that its security conditions are being met. EmbOffs pointed out that the GOI's concerns go beyond the terms of the AMA and APRC, and constitute a demand for re-negotiation.

16. (C) Ben-Abba claimed that the GOI has a list of 5,000 "people of concern" who have crossed into or out of Rafah

TEL AVIV 00004731 002 OF 002

since the crossing point came under Palestinian authority. EmbOff pointed out that Ben-Abba's claimed number exceeds by several orders of magnitude any numbers made available to the SWG or CEC. She said that the GOI is willing to share with the Europeans and Palestinians an unspecified list of persons of concern if the Europeans take a more proactive approach to preventing such people. She acknowledged EmbOff's point that the AMA contains provisions for addressing persons of concern -- provisions that the GOI has been unwilling to utilize.

17. (C) EmbOffs pointed out that the GOI has declined, despite repeated EU-BAM and USG urging, to provide a list of persons of concern, as called for in the Agreed Protocol on Rafah Crossing, and noted that the APRC contains a specific provision governing handling of such persons identified by the GOI. EmbOffs also pointed out that in the two cases during the entire previous 12 months that the GOI raised concerns about specific persons, the Palestinian Authority took appropriate action. Dismissing EmbOff's comments, Ben-Abba said that the GOI will not provide any list of persons of concern until the AMA/APRC are re-negotiated to give the EU-BAM authority to prevent transit of listed persons of concern. She also claimed that while Otte and Pistolese were amenable to receiving the list, Serrano objected because it would mean that the list would then have to be shared among 27 European intelligence agencies. She acknowledged that the information that the Israelis are proposing to share includes a list of names and identification numbers for "people of concern," but contains neither explanation of the nature of the security threat nor any justification for listing the specific individuals. Ben-Abba suggested that all parties might need to "stretch our definition of observer."

18. (C) The discussion also involved the categories of people allowed to cross. One such category, "humanitarian cases," has resulted in the most discussion, Ben-Abba said, adding that there is still a "major gap" in the respective views. In the view of the EU-BAM, Palestinians consider a family

visit as meeting the definition of a humanitarian case, while the GOI has a more restrictive view, restricting such humanitarian crossings to major life events such as attending a funeral or visiting a sick relative.

¶9. (C) Ben-Abba said that the GOI is willing to implement the customs protocol so long as Kerem Shalom is used for people not in one of the categories allowed to cross at Rafah. She claimed, however, that Palestinian customs authority personnel cannot be allowed to function on Israeli territory as specified in the AMA/APRC. EmbOffs pointed out that the GOI has the authority to allow such Palestinian presence. In further discussion, Ben-Abba admitted that, her earlier statements notwithstanding, the GOI is holding hostage implementation of the Customs Protocol until such time as its demands are met concerning Rafah operations. Moreover, the GOI has sent an urgent letter to the Europeans informing them that according to the agreement, the Europeans must give a positive assessment that the Palestinians are in compliance or else they will be in breach of the agreement.

¶10. (C) Comment: The MFA, which has traditionally taken a back seat to the MOD on AMA-related issues, looks to be trying to step up its involvement in the discussions and forthcoming negotiations. End comment.

Visit Embassy Tel Aviv's Classified Website:
<http://www.state.sgov.gov/p/nea/telaviv>

You can also access this site through the State Department's Classified SIPRNET website.

JONES